

AGENCY:	City of Fort Bragg
MEETING DATE:	February 23, 2022
PREPARED BY:	Heather Gurewitz
PRESENTED BY:	Heather Gurewitz

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: ILUDC Amendment 1-22

OWNER: Various

APPLICANT: City of Fort Bragg

AGENT: N/A

PROJECT: Receive Report, Conduct Public Hearing, and Consider Adoption of a Resolution Recommending that City Council Adopt Inland Land Use and Development Code Amendment 1-22 to Regulate Commercial Cannabis Cultivation and Amend Existing Regulations for Cannabis Businesses in Commercial Zones.

LOCATION: All parcels located in Light and Heavy Industrial Zones and all parcels located in Inland Central Business District, General Commercial and Visitor Highway Commercial Zones

APN: N/A

TOTAL AREA AFFECTED: 170 Acres

ZONING: Inland Light & Heavy Industrial Zones, Central Business District, General Commercial and Visitor Highway Commercial Zones

ENVIRONMENTAL DETERMINATION: A Negative Declaration was prepared and is currently in circulation for public comment.

BACKGROUND

In 1996, the People of the State of California voted to enact Proposition 215, the Compassionate Use Act (codified at Health and Safety Code Section 11362.5 et seq.)

(the “CUA”), which exempts qualified patients and their primary caregivers from criminal prosecution under enumerated Health and Safety Code sections for use of marijuana for medical purposes. Then, in 2003, the California Legislature enacted Senate Bill 420, the Medical Marijuana Program Act (codified at Health and Safety Code Section 11362.7 et seq.) (the “MMPA”), as amended, which created a state-wide identification card scheme for qualified patients and primary caregivers.

On October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Cannabis Regulation and Safety Act (MCRSA) formerly known as (the Medical Marijuana Regulation and Safety Act or MMRSA), effective January 1, 2016, which established a state licensing system for medical marijuana cultivation, manufacturing, testing, delivery, and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit marijuana cultivation, manufacturing, testing, dispensing, and delivery within their jurisdictions. Under the MCRSA, cities and counties may continue to regulate and/or prohibit medical marijuana cultivation, manufacturing, dispensing, and delivery, consistent with their respective police powers, in which case the new law would not allow or permit these activities within the cities and counties where such activities are not otherwise permitted.

This was followed by Assembly Bill 21 (Wood) was signed by the Governor, amending provisions of MCRSA pertaining to cultivation licenses by eliminating a March 1, 2016 deadline for local jurisdictions for the promulgation of cultivation regulations or cultivation bans, or local jurisdictions would lose the ability to regulate to the State. Assembly Bill 21 also modified language in Health & Safety Code section 11362.777(g), which pertained to exemptions from licensing requirements for qualified patients and caregivers. The prior language, which specifically stated that local governments retained the right to prohibit cultivation without exception, was revised to state: “Exemption from the requirements of this section does not limit or prevent a city, county, or city and county from exercising its police authority under Section 7 of Article XI of the California Constitution” in February of 2016.

Shortly thereafter, the voters approved Proposition 64 (“Prop 64”) in November of 2016 which enacted the Adult Use of Marijuana Act (“AUMA”), to be codified in California Health and Safety Code at various sections and in California Business and Professions Code at various sections. The AUMA allows adults 21 and over to use, possess, and cultivate limited amounts of marijuana, establishes a state licensing and regulatory scheme for marijuana businesses serving the recreational market; and expressly allows local jurisdictions to prohibit outdoor cultivation of marijuana for personal use, to regulate indoor cultivation of marijuana for personal use, and to prohibit all non-medical and recreational marijuana businesses from locating and operating within their jurisdictions.

On June 27, 2017, the Governor approved Senate Bill 94 which combined the regulatory schemes for MMRSA and AUMA into a single, comprehensive regulatory scheme known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”).

On February 25, 2019, the City Council of the City of Fort Bragg (“City Council”) sought to establish rules and regulations by which cannabis businesses may be permitted by considering an ordinance regulating retail, laboratory testing, manufacturing, and distribution cannabis businesses and accessory uses. Through multiple public meetings various options were discussed and on November 21, 2019, City Council adopted Ordinance 953-2019 which established rules and regulations for Cannabis Businesses. On October 13, 2020, Council further directed staff to develop regulations for commercial cannabis cultivation.

Regulations were drafted and reviewed by the Community Development Committee (CDC) at public meetings on February 23, 2021 and March 23, 2021 where the CDC deliberated and provided additional direction. Following the March 23, 2021 meeting, CDC determined that full council input was needed to draft commercial cannabis cultivation regulations, and on May 3rd and May 20th, the City Council held public meetings where they deliberated and provided additional direction to staff.

On May 24, 2021, City Council adopted Ordinance 966-2021 amending Chapter 9.30 Cannabis Businesses to regulate commercial cannabis cultivation in the City. Staff were directed to continue with the development of necessary amendments to the Inland Land Use and Development Code to allow commercial cannabis cultivation.

Staff determined that the proposed actions constituted a project and was not exempt from review under the California Environmental Quality Act Public Resources Code Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq. Due to the drought and the existing local emergency related to COVID-19, the initial study was delayed.

Meanwhile, the State of California determined a need to make changes to the agencies responsible for regulating cannabis businesses. On July 1, 2021, the Bureau of Cannabis Control, the California Department of Agriculture CalCannabis Program, and the California Department of Public Health Manufactured Cannabis Safety Branch were consolidated into the Department of Cannabis Control and new regulations of cannabis businesses were adopted in September of 2021 (ATTACHMENT 5).

On September 27, 2021, the City Council adopted a moratorium on cannabis businesses. The reason for the moratorium was to allow staff and the City Council to study and consider updates to the existing Cannabis Business Regulations to:

- resolve potential conflicts with residential uses;
- define what constitutes a “youth center” and if a buffer of more or less than 600 feet is appropriate for Fort Bragg;
- clarify cannabis microbusinesses;
- resolve concerns about overconcentration of cannabis dispensaries in the CBD (a limit on the number allowed or a required buffer between dispensaries); and
- consider whether cannabis dispensaries should be limited in where they are allowed in the CBD or any other district where allowed.

The City Council discussed the above matters at public meetings on October 25, November 8, and December 13, 2021. The proposed amendments to Title 18 Inland Land Use and Development Code incorporate the direction provided by the City Council.

Staff, in consultation with Metropolitan Planning Group, subsequently began the required Initial Study in compliance with the California Environmental Quality Act. Based on the results of the initial study, it was determined that the proposed project would have no environmental impacts and a Negative Declaration was prepared. The draft Negative Declaration began circulation on or before February 17, 2022 and was also sent to the Department of Cannabis Control for review on that same date. The City is currently accepting public comments on the draft document.

It is critical to note that the scope of the project in the Negative Declaration/Initial Study includes the amendments to Chapter 9.30 Cannabis Businesses, however, as this chapter is in the Municipal Code, the Planning Commission does not make recommendations to City Council on Municipal Code Amendments. The draft updates to Chapter 9.30 (Attachment 4) are provided for reference purposes only, as are the Department of Cannabis Control Regulations (Attachment 5), because they are integral to the regulation of cannabis businesses in the City limits. For the purposes of this hearing, the project is limited to the land use element of the project, proposed amendments to Title 18.

PROJECT DESCRIPTION

The proposed project establishes land use regulations pertaining to commercial cannabis cultivation (cannabis cultivation) in the industrial zones and makes minor modifications to existing regulations for commercial cannabis activity in commercial zones. These proposed changes only apply to the Inland Land Use and Development Code.

The proposed project will also amend four sections of the Inland Land Use and Development Code (ILUDC) to provide land use regulations for commercial cannabis cultivation and to amend existing regulations for cannabis business activities in commercial zones. See the following attachments for the draft proposed amendments:

Attachment 1	Proposed Amendments to ILUDC Chapter 2 Including Revised Section 18.22.030 Commercial District Land Uses and Permit Requirements and Revised Section 18.42.030 Industrial Land Uses and Permit Requirements
Attachment 2	Proposed Amendments to ILUDC Chapter 4 Including New §18.42.055 Cannabis Cultivation, Revised §18.42.057 Cannabis Retail, and New §18.42.058 Cannabis Microbusiness
Attachment 3	Proposed Amendment to ILUDC Chapter 10 Definitions Including New and Revised Definitions in §18.100.020

All commercial cannabis activity requires a discretionary Cannabis Business Permit (CBP) and is subject to review under CEQA, though some projects may be exempt.

The proposed changes to the ILUDC Chapter 2 §18.22.030 Commercial Districts (Attachment 1) include:

- The addition of Cannabis – Indoor Nursery Cultivation is added to Table 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts (Table 2-6) in the Central Business District, General Commercial, and Highway/Visitor Commercial. The permit requirements are set by specific use regulations in §18.42.055, §18.42.057, and §18.42.058.
- The addition of Cannabis Microbusiness as a new use to Table 2-6 and is allowed with a Minor Use Permit in the Central Business District, the General Commercial, and Highway Visitor Commercial zones in accordance with Chapter 9.30 of the Municipal Code and the standards for specific land uses in §18.42.058.
- Cannabis Retail is changed from Conditional Minor Use Permit to “Permit requirement set by Specific Use Regulations” for the Central Business District, General Commercial Zone, and Highway Visitor Commercial. The specific land use standards in §18.42.057 allow cannabis retail as a permitted use with an approved CBP.
- Foot note (3) is added to Table 2-6 Cannabis Retail in the Central Business District which limits the total number of cannabis dispensaries to three in the zone. There are no limitations to the number of dispensaries in other zones.

The proposed changes to the ILUDC Chapter 2 §18.24.030 (Attachment 1) includes the following changes to Table 2-10 Allowable Land Uses and Permit Requirements for Industrial Zoning Districts:

- Addition of Cannabis - Indoor Nursery Cultivation, Cannabis – Indoor Cultivation of Mature Plants, and Cannabis Microbusiness with a conditional Minor Use Permit in the Light Industrial and Heavy Industrial Zones.
- Cannabis Retail is added as an allowable accessory use in the Light and Heavy Industrial Zones.

The proposed changes to the ILUDC Chapter 4 (Attachment 2) includes:

- The addition of §18.42.055 which provides specific Land Use Standards for Cannabis Cultivation
- Revisions to §18.42.057 Cannabis Retail:
- Relocation of existing operating standards and requirements to the Municipal Code Chapter 9.30;
 - Cannabis retail is allowed as a permitted/allowable use (with a discretionary Cannabis Business Permit) in the Central Business District, General Commercial Zone, and Highway Visitor Commercial Zone;
 - Accessory use section is revised to provide necessary clarification on what accessory uses are allowed and how a retail business with an accessory use is distinguished from a microbusiness.
- The addition of §18.42.058 Cannabis Microbusinesses which provides specific land use standards for cannabis microbusinesses.

The proposed changes to ILUDC §18.100.020 (Attachment 3) adds definitions for cannabis cultivation, cannabis microbusiness, and other definitions necessary to support regulations of these activities. Minor modifications are made to the definition of accessory use.

The proposed project will amend the Inland Land Use and Development Code to add regulations for a new conditionally allowable use in industrial zones (cannabis cultivation), and will make minor modifications to the existing regulations for cannabis business activities in commercial zones.

GENERAL PLAN ANALYSIS

The proposed ordinance will allow an additional activity in industrial zones in the Inland zones. In the Inland General Plan (IGP), the two zones are described as follows:

Heavy Industrial (IH) This designation is intended for a range of heavy industrial uses including manufacturing, assembly and processing, and the storage and distribution of raw materials, aggregate plants, and related heavy industrial uses which are generally incompatible with and require locations removed from residential and visitor serving uses.

Light Industrial (IL) This designation is intended for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses which do not generate a significant amount of on-site customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Manufacturing uses are permitted provided they occur within an enclosed structure. Other uses permitted in this designation include offices ancillary to permitted uses, agricultural product sales and services, construction yards, and automobile repair shops.

Cannabis Cultivation

The majority of the City's industrial land is located in the coastal zone and is currently zoned Timber Industrial which is only in the Coastal Zone and zoned for the processing of lumber and timber products manufacturing. There are 65 acres zoned either light or heavy industrial in the inland zone. All of the industrial parcels south of Pudding Creek are developed and in use. There are approximately four parcels totaling 18 acres located north of Pudding Creek in the industrial zone that are currently undeveloped.

The proposed ordinance is consistent with the Inland General Plan and does not conflict with any of the Goals, Policies, or Programs in the Inland General Plan. In particular, the proposed ordinance is consistent with the following:

General Plan Consistency Analysis
Land Use Goal LU-1 Promote development and conservation of land in Fort Bragg according to the pattern shown on the Land Use Designations Map.
CONSISTENT - The proposed code amendments do not change the pattern of planned development, only allows additional use in zones planned for industrial development and modifies existing regulations for uses in commercial zones.
Land Use Goal LU-1 Policy LU-1.1 Implementation of the Land Use Designations Map: Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use designations, and ensure consistency between the Inland General Plan and the Inland Land Use and Development Code.
CONSISTENT – commercial cannabis cultivation is not more intensive than other allowed and conditionally allowable industrial uses including fish processing, agricultural processing, and light, medium, and heavy manufacturing. Only indoor commercial cannabis cultivation will be allowed which is similar to these activities and thus a consistent use.
Land Use Goal LU-3 Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.
CONSISTENT – (see below)
Land Use Goal LU-3 Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).
CONSISTENT – the proposed ordinance restricts the maximum number of dispensaries in the Central Business District to a total of 3 and does not add uses without a typical retail store front.
Land Use Goal LU-3 Policy LU-3.2 Mixed Uses: Support mixed use development (i.e., a combination of residential and commercial uses) in the Central Business District that does not conflict with the primary retail function of this area.
CONSISTENT – the proposed ordinance does not modify the primary function of retail for the area.
Land Use Goal LU-4 Promote the economic vitality of the City’s existing commercial areas.
CONSISTENT – Streamlining the permit process for cannabis dispensaries allows for more economic opportunities in the commercial area.
Land Use Goal LU-4 Policy LU-4.3 Standards for Commercial Uses in Residential Areas: Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.
CONSISTENT – All commercial buildings in commercial areas are allowed to have retail businesses. The regulations, as written require that the building maintain the character of a building that is being used for retail purposes. For example, even microbusinesses in commercial areas must maintain a primary storefront and all other uses must be contained inside the building and are required to have treatment to prevent odor from escaping.
Land Use Goal LU-5 Support industrial development which is consistent with the protection, enhancement, and restoration of natural and scenic resources.

<p>CONSISTENT– the addition of the new use inside the industrial zones will not change the nature of the industrial areas. Outdoor cultivation is still prohibited, so all cultivation will be indoors and consistent with other allowable industrial uses. Additionally, there are requirements for proposed projects to use water conservation methods and to use renewable energy.</p>
<p>Land Use Goal LU-5 Policy LU-5.2 Industrial Land Use Standards: Require that industrial development avoid or minimize creating substantial pollution, noise, glare, dust, odor, or other significant adverse impacts.</p>
<p>CONSISTENT – the City’s existing codes, General Plan, and the environmental review process all protect against projects that would contribute to substantial pollution, noise, glare, dust, or other adverse impacts. However, the addition of §18.42.055 Cannabis Cultivation provides additional protections specific to odor.</p>
<p>Land Use Goal LU-5 Policy LU-5.2 Program LU-5.2.1: Continue to enforce, and revise as needed, Inland Land Use and Development Code standards with regard to noise, glare, dust, odor, and other potentially adverse impacts of industrial activity.</p>
<p>CONSISTENT – the proposed use, Commercial Cannabis Cultivation is subject to discretionary review and each project will be reviewed for consistency with this General Plan Policy.</p>
<p>Public Facilities Goal PF-2 Policy PF-2.2 Program PF-2.2.5 Continue to encourage water conservation techniques and water conserving fixtures in all new development projects</p>
<p>CONSISTENT – Proposed Section 18.42.055(B)(3)(a) requires that commercial cannabis cultivations use the best available technologies for water systems and water recycling and encourages proposed projects to use alternate sources of water from the City’s potable water system.</p>
<p>Open Space Goal OS-7 Improve air quality</p>
<p>CONSISTENT – Unlike other industrial uses, under the existing code, cultivations are required to have odor control technology and to use energy from a 100% renewable source or an on-site renewable energy system.</p>
<p>Sustainability Goal S-2 Encourage development that minimizes the demand for non-renewable energy and reduces Green House Gas (GHG) emissions.</p>
<p>CONSISTENT – Proposed ILUDC §18.42.055(B)(3)(C) requires that electricity must be exclusively provided by a renewable energy source.</p>
<p>Sustainability Goal S-2 Policy S-2.5 Use of Local and Renewable Energy: Buildings and infrastructure that create and/or use locally and renewably generated energy are encouraged. Photovoltaic and wind energy systems are encouraged. The installation of solar panels or other clean energy power generation sources over parking areas is preferred</p>
<p>CONSISTENT – Proposed ILUDC §18.42.055(B)(3)(C) requires that electricity must be exclusively provided by a renewable energy source.</p>
<p>Sustainability Goal S-3: Minimize the use of potable water in new and existing development.</p>
<p>CONSISTENT - Proposed ILUDC §18.42.055(B)(3)(a) requires that commercial cannabis cultivations use the best available technologies for water systems and water</p>

recycling and encourages proposed projects to use alternate sources of water from the City's potable water system.
Sustainability Goal S-3: Policy S-3.1 Reduce Water Use: Minimize the use of potable water in new and existing development.
CONSISTENT - Proposed ILUDC §18.42.055(B)(3)(a) requires that commercial cannabis cultivations use the best available technologies for water systems and water recycling and encourages proposed projects to use alternate sources of water from the City's potable water system.

It is important to note that there are many additional goals, policies, and programs that will apply to future applications that would be allowable under this ordinance amendment. Specifically, the goals, policies, and programs that regulate noise, odor, community design, and environmental impacts. Additionally, all projects are discretionary and require review under CEQA and licensing through the State's Department of Cannabis Control. The proposed ordinance does not change the nature of the zones or the locations in which activities can be conducted, and thus, is consistent with the General Plan.

ILUDC ANALYSIS

The proposed ordinance adds a new use to the Industrial zone. In the ILUDC, the Industrial Zone is characterized as follows:

IL (Light Industrial) zoning district. The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures. The maximum floor area ratio (FAR) is 0.40. The IL zoning district implements and is consistent with the IL land use designation of the General Plan.

IH (Heavy Industrial) zoning district. The IH zoning district is applied to areas of the City that are appropriate for a range of heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The maximum floor area ratio (FAR) is 0.40. The IH zoning district implements and is consistent with the IH land use designation of the General Plan.

Commercial Cannabis Cultivation

The proposed amendments to the code would not change the size or location of the parcels that are zoned industrial, and the area available for new development that would

be impacted by the proposed amendments is extremely limited. Furthermore, cannabis cultivation is consistent with the uses currently allowed in Table 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning. The following table shows the current permit requirements for some of the uses in the inland industrial zones:

Allowed Land Uses and Permit Requirements for Industrial Zoning

Land Use	Light Industrial Permit Requirements	Heavy Industrial Permit Requirements
Agricultural Product Processing	Conditional - Use Permit	Permitted Use
Brewery/Restaurant	Conditional - Use Permit	Conditional - Use Permit
Fish Processing	Permitted Use	Permitted Use
Manufacturing/Processing Light	Permitted Use	Permitted Use
Manufacturing/Processing Medium intensity	Conditional - Use Permit	Permitted Use
Manufacturing/Processing – Heavy	Not allowed	Conditional – Use Permit

Manufacturing intensity is determined based on characteristics. The following explains the classifications as currently stated in Article 10 of the ILUDC Definitions:

	Light Manufacturing	Medium Manufacturing	Heavy Manufacturing
Description	Processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational	Processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under “Manufacturing/Processing - Light,” but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels.	processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community.

	characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community.		
Examples	<ul style="list-style-type: none"> • Clothing/Fabric • Electronics, equipment, and appliances • Food and beverage (including breweries and bottling plants) • Furniture • Small-scale manufacturing • Metal fabrication/machine shops • Paper products 	<ul style="list-style-type: none"> • Lumber/wood product • Machinery • Motor vehicle/transport • Stone and cut stone • Structural clay and pottery 	<ul style="list-style-type: none"> • Chemical Product • Glass Product • Concrete/plaster • Petroleum • Paving/roofing • Plastics • Primary metal • Pulp (Product) • textile

Based on the above, indoor commercial cannabis cultivation is similar to other already allowed uses in the industrial zone. With the existing and proposed requirements for water, energy, and odor control in the Municipal Code and the Inland Land Use and Development Code, commercial cannabis cultivation, which requires a discretionary CBP, would be comparable to other allowable uses that do not require a discretionary permit.

The proposed ordinances would only allow for indoor cultivation of cannabis in a fully enclosed and secured structure. Based on the local, regional, and state cannabis cultivation regulations, future CBP projects would not generate significant noise or air quality impacts, and water usage may be comparable to a brewery or bottling plant which is a permitted use. Cannabis cultivation activities would also be similar to fish processing, which is a permitted use, whereas cannabis cultivation will require a minor use permit. Additionally, because cannabis cultivation requires a discretionary permit, any CBP application would undergo review to determine if the project would conflict with surrounding land uses.

Retail and Microbusiness

The proposed changes to the code will change Retail Cannabis from a Minor Use Permit to a permitted use. However, retail cannabis projects would still be required to obtain a

Cannabis Business Permit which is a discretionary permit. The current specific land use standards that apply to a Minor Use Permit in §18.42.057 with the exception of A and E, are now applied under the cannabis business permit. These changes are noted in the Project Description in this document.

When the City developed regulations for cannabis dispensaries in 2019, to ensure land use compatibility, the City Council determined that a minor use permit was required. Since that time, two dispensaries have been approved and are in operation. There has been no increase in law enforcement calls and no code enforcement complaints related to either of these existing dispensaries, which suggests that a fully licensed dispensary is compatible with commercial zones. The current existing and operating fully licensed dispensaries have not altered the character of the neighborhood, physically divided the community, or presented other conflicts with the land use plan and policies. Under the proposed ordinance, retail cannabis dispensaries would still need a cannabis business license from the state and a Cannabis Business Permit from the city which is discretionary, but a minor use permit would not be required.

Currently, §18.42.057(E) regulates accessory uses. The proposed amendments to the code will clarify this by creating a table of accessory uses allowed and specifying the difference between a microbusiness and a retail business with an accessory use.

Many communities experienced an initial “flood” of applications when cannabis was legalized. However, in outreach to other communities, such as Santa Rosa and Ukiah, this initial rush has subsided and is comparable with the application patterns of other retail businesses. In the City of Fort Bragg, there were four initial proposals for cannabis businesses. Two of these have completed their permits and are operating. Two applications are still in process and one additional business has since applied for a permit. The City has not received new applications or inquiries for retail cannabis permits since July 2021.

As a precaution to ensure that the number of dispensaries does not become excessive, the proposed changes to the ILUDC 18.22.030 Table 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts limits the total number of retail cannabis businesses in the Central Business District to no more than three. This ensures that the proposed ordinance update will not change the nature of the downtown or conflict with general plan policies intended to retain downtown as the cultural, commercial, and historic center of the City.

ENVIRONMENTAL DETERMINATION

An Initial Study and Negative Declaration were prepared and the project was found to have no impacts. The document began circulation on or before February 17, 2022 currently in circulation for public review which will be completed on March 17, 2022.

RECOMMENDED PLANNING COMMISSION ACTION

Review proposed code amendments and either recommend that the City Council adopt existing ordinance, recommend adoption with suggested changes, or recommend that the Council do not adopt the proposed code amendments.

ATTACHMENTS

1. Proposed Amendments to Title 18 Chapter 2
2. Proposed Amendments to Title 18 Chapter 4
3. Proposed Amendments to Title 18 Chapter 10
4. Draft Amendments to Chapter 9.30
5. DCC Cannabis Regulations
6. Negative Declaration – Initial Study
7. Draft Resolution